

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Land and Natural Resources, Division of Forestry and Wildlife
 (Department/Division/Agency)

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction: Provide matching funds, project planning, design, engineering services, project administration, and construction supervision for the Pouhala Marsh habitat restoration project. Construction activities to include grading, excavation, and transport of fill material in such a way as to create 8-acres of pond habitat for Hawaiian stilts, coots, gallinules, and migratory birds. Vendor (Partner) to secure and provide matching funds from federal, county and private funding sources to combine with State funds awarded under a Federal Natural Resource Damage Assessment (NRDA) grant to restore Pouhala Marsh. The project will include stream habitat restoration, nesting pond development, boundary fencing, predator control, educational trail development and signage for management, visitor and student activities.

Name of Vendor:	Ducks Unlimited	Cost:	\$517,000
Address:	151 Punchbowl Street Rm. 323 Honolulu, HI 96813	1 WATERFOWL WAY MEMPHIS, TN 38120	8/13/04 msy

Term of Contract:	From: June 15, 2004	To: June 30, 2006
Exemption Ref. No. (if applicable)		

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: A procurement exemption to purchase project services from Ducks Unlimited (DU) is advantageous to the State because DU will provide their own funds to expand the scope of the project plus provide the state with project management services, wildlife expertise, CAD design and engineering services, and construction supervision to efficiently and expeditiously implement the States share of the project. DU is an international not-for-profit organization dedicated to the conservation of wetland species and natural areas. DU is willing to contribute their own funds (\$82,500) plus the funding they have secured from a U.S. Fish and Wildlife Service grant (\$176,000) and the City and County of Honolulu (\$126,000), to expand the scope of the project. Contracting DU to implement the State project while implementing their planned projects will allow for better coordination and scheduling of activities, less duplication in planning, design, site preparation, and disturbance for construction if multiple vendors were doing projects separately. The Division of Forestry and Wildlife lacks the in house expertise to develop construction specifications and purchase contracts to efficiently implement its portion of the project and must contract these services. DU will be able to provide expert biological and engineering services for the project and involve a wider range of partners in the project, strengthening community partnerships for future work at Pouhala Marsh. Contracting DU to implement the State portion of the project will increase their interest and involvement in the success of the project and encourage them to seek additional resources to help with the long term management of the project.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The overall project will be contracted to Ducks Unlimited. DU will follow fair and open competition in its selection of subcontractors for construction work and vendors for supplies and materials. Under DU's policies, they seek 3 quotes for goods and services in their management of the project. DU has experience in combining contractual services such as excavation, fence construction, wildlife surveys, educational signage, predator control and native plant propagation specific to wetland restoration for the State. The Department will work closely with DU in developing the necessary contracting specifications for each phase of the project.

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

A description of the agency's internal controls and approval requirements for the exempted procurement:

A contract will be written out by the State Wildlife Manager/ Wildlife Biologist and then submitted to the DOFAW administrator for review and approval, after which the contract will be sent to the Department Fiscal Officer as well as the Department Head for further review and final approval. Objectives of the proposed work are specified in the various grant proposals that DU can bring to the project. The Oahu Wildlife Biologist will oversee implementation and compliance with terms of the contract.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Peter T. Young, Department Chairperson
Michael G. Buck, Administrator, Division of Forestry and Wildlife
Paul J. Conry, Wildlife Program Manager
David G. Smith, Oahu Wildlife Manager

Direct questions to: Paul J. Conry
David G. Smith

Phone Number: (808) 587-4176
(808) 973-9786

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

11/13

Department Head or Designee Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

This exemption is for the solicitation process only, Chapter 103D-310, HRS, shall apply.

Please ensure adherence to applicable administrative requirements.

☒ APPROVED

☐ DISAPPROVED

Adam P. Fajale

8/11/04

Chief Procurement Officer Date

cc: Administrator,
State Procurement Office

STATE OF HAWAII

NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Land and Natural Resources for exemption from Chapter 103D, HRS. for the following goods, services, or construction:

Provide matching funds, project planning, design, engineering services, project administration, and construction supervision for the Pouhala Marsh habitat restoration project. Construction activities to include grading, excavation and transport of fill material in such a way as to create 8-acres of pond habitat for Hawaiian stilts, coots, gallinules, and migratory birds. Vendor (Partner) to secure and provide matching funds from federal, county and private funding sources to combine with State funds awarded under a Federal Natural Resource Damage Assessment (NRDA) grant to restore Pouhala Marsh. The project will include stream habitat restoration, nesting pond development, boundary fencing, predator control, educational trail development and signage for management, visitor and student activities.

Vendor: Ducks Unlimited

Address: ~~1151 Punchbowl Street, Room 325~~
Honolulu, HI 96813

*1 WATER FOWL WAY
MEMPHIS, TN 38120*

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Term of Contract:

From:

To:

Cost:

When approved

June 30, 2006

\$517,000

Direct any inquiries to:

Department: Land and Natural Resources, Division of Forestry and Wildlife

Contact Name/Title: Paul J. Conry, Administrator

Address: 1151 Punchbowl Street, Room 325
Honolulu, HI 96813

Phone Number: 808-587-0166

Fax Number: 808-587-0160

July 15, 2004
Date Posted:

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer

Office/Agency

Address